United Nations A/C.3/59/L.46

General Assembly

Distr.: Limited
2 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Zimbabwe

The General Assembly,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms, in accordance with the Charter of the United Nations, the Universal Declaration on Human Rights[1] and the regional and international human rights instruments to which they are party,

Recognizing the past traditions of Zimbabwe of democratic debate and civil society activism, and reaffirming that the promotion and protection of civil, political, economic, social and cultural rights in Zimbabwe and the holding of free and fair elections is essential for the stability and security of the country and the region,

Recognizing also the severe challenges facing Zimbabwe, including the HIV/AIDS pandemic and the ongoing economic and humanitarian crisis,

Recognizing further the inequitable distribution of land ownership which existed in Zimbabwe at independence and the ongoing need for land reform, implemented in an orderly manner and with due regard to human rights and the rule of law, to achieve a more equitable distribution of resources among the people of Zimbabwe,

[1] Resolution 217 A (III).

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Welcoming the efforts made by African countries to fulfil their commitments in the implementation of the New Partnership for Africa's Development to deepen democracy, human rights, good governance and sound economic management,

Welcoming also the decision of the Southern African Development Community to promote the goals and values of the New Partnership and to work with the organization to harmonize their efforts in furthering these goals,

Welcoming further the adoption by the Southern African Development Community of principles and guidelines on elections and the acceptance of them by Zimbabwe,

1. *Expresses its concern* that the conditions do not exist in Zimbabwe for holding free and fair elections in accordance with the electoral guidelines of the Southern African Development Community, the commitments of the African Union and obligations under international human rights instruments;

2. *Also expresses its concern* about restrictions in Zimbabwe on the freedom of members of parliament and parliamentary candidates and independent civil society and human rights defenders to operate without fear of harassment or intimidation, including proposed legislation, inconsistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[2] which would further constrain non-governmental organizations;

3. *Urges* the Government of Zimbabwe to take all appropriate measures, including changes to laws, to establish the conditions for, and to hold, free and fair elections, in accordance with the electoral guidelines of the Southern African Development Community, the commitments of the African Union and obligations under international human rights instruments;

4. *Encourages* the Government of Zimbabwe to invite independent international observers in good time for its parliamentary elections in 2005, including observers from organizations in which it is a member, notably the Southern African Development Community, the African Union and the United Nations;

5. *Underlines its deep concern* at the serious violations of human rights by the Government of Zimbabwe, including the occurrence of torture, ill-treatment, unlawful detention and extrajudicial executions, as well as the serious restrictions on freedom of expression and opinion, including freedom of the press, and on the independence of the judiciary;

6. *Urges* the Government of Zimbabwe to take all necessary measures to ensure that human rights are promoted and protected and that the rule of law is respected in Zimbabwe;

7. *Also urges* the Government of Zimbabwe to implement its obligations under the International Covenants on Human Rights,[3] the Convention on the Elimination of All Forms of Discrimination Against Women,[4] the African Charter of Human and Peoples' Rights and other human rights treaties to which it is party, to

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[2] Resolution 53/144, annex.

[3] Resolution 2200 A (XXI), annex.

[4] Resolution 34/180, annex.

ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] as soon as possible, and to cooperate fully with all relevant special mechanisms of the Commission on Human Rights;

8. *Calls upon* the Government of Zimbabwe to seek the assistance of the United Nations High Commissioner for Human Rights and to consider inviting relevant thematic rapporteurs to assess the situation in the country;

9. *Urges* the Government of Zimbabwe to respond to the report of the African Commission on Human and Peoples' Rights;

10. *Also urges* the Government of Zimbabwe not to obstruct international efforts to assess food security and other humanitarian challenges and to ensure that food aid and humanitarian aid can be delivered in a safe and unhindered manner, on the basis of need alone and without the imposition of any political condition.

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[5] Resolution 39/46, annex.